

TESTIMONY BEFORE THE
HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON CRIME AND CORRECTIONS

DECEMBER 16, 1997

PRESENTED BY

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Chairman Birmelin) and members of the Subcommittee on Crime and Corrections; my name is Ronald I. Buxton and I am the State Representative representing the City of Harrisburg, the Borough of Steelton and the 3rd Ward of Swatara Township. I wish to thank the Chairman and members of the Committee for moving to the forefront the housing code enforcement legislation which for those of us who represent urban areas believe the time has come for the state legislature to address this critical issue.

Prior to being elected to the House of Representatives in 1992 I was employed by the City of Harrisburg as the Deputy Director for Community Development and Codes Administrator. For seven years my responsibility, together with a staff of twenty-two, was to enforce housing and building codes within the City. During this time our efforts to address many of the problems which plagued our neighborhoods due to the irresponsibility of absent owners was frustrating to say the least. Many times individuals would simply walk away from their responsibility with the resulting problems remaining for the municipality to address or eventual adjudication through a court system which does not place a high priority on this type of violation.

I personally believe that government should avoid interference in private property owner rights. However, when private property owners neglect their responsibilities those residents who suffer have no other choice than to turn to their local government for action. If local governments, particularly those in urban areas, are to respond to the needs of our citizens then they need the proper laws to address those health and safety concerns. Today, under our current system it is just too easy for someone to walk away from housing code violations without the proper laws for local governments to either force abatement or recover public funds which have been advanced in that effort.

I wish to convey one story of many which could be recited during my tenure with the City of Harrisburg and how archaic our current laws are in addressing housing code violations. This story starts with a judicial real estate tax sale being held at the local court house one night where an individual decided to bid on properties because he witnessed a prominent local developer bidding on properties during the tax sale. Upon acquiring three properties the individual soon discovered that the City of Harrisburg had condemned two of the properties for demolition. Having purchased these three

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properties sight unseen I was shortly thereafter visited by the purchasers attorney inquiring as to what the City could do to assist his client in the matter of two condemnation orders. My response was that his client was now the new owner and the City was interested in the purchaser abating the violations. The attorney explained that his client didn't know what he was getting into and could not afford the demolition costs. This story epitomizes the ease by which individuals purchase property at county tax sales without ever providing proof of financial responsibility.

Senate Bill 543 would make it a crime should an owner avoid abatement of the Municipal Housing Code upon the fourth conviction for the same continuing violation. This proposal may appear to be extreme. However, to the people residing in a neighborhood where an absent owner refuses or otherwise ignores housing violations, this proposal provides local governments a real hammer to pursue these violators.

It must be understood that Senate Bill 543 would apply only to the most chronic of violators. Individuals who just don't care about the conditions of their property. The full effect of the law must be provided to our local municipalities in dealing with absent

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owners.

In the limited time we have today I will conclude by reminding the committee that Act 5 of 1996 gave authority for landlords to seek a wage attachment against tenants where the landlord received a judgement for damages caused by the tenant. I believe the legislature should insure that funds collected for those damages are used to bring the property into code compliance. The legislature has given owners the tools to collect funds in the event that a tenant damages or otherwise destroys the property in which they reside. The least we can do is give our local governments the ability to hold the owners of blighted property responsible for their inactions. Thank You.